House of Representatives



General Assembly

File No. 512

January Session, 2003

Substitute House Bill No. 6661

House of Representatives, April 23, 2003

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CAMPAIGN FINANCE REPORTING REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (a) of section 9-333h of the general statutes is
- 2 repealed and the following is substituted in lieu thereof (Effective July
- 3 1, 2003):
- 4 (a) The campaign treasurer of each committee shall be responsible
- 5 for (1) depositing, receiving and reporting all contributions and other
- 6 funds in the manner specified in section 9-333j, as amended by this act,
- 7 (2) making and reporting expenditures, (3) reporting expenses
- 8 incurred but not yet paid, (4) filing the statements required under
- 9 section 9-333j, <u>as amended by this act</u>, and (5) keeping internal records
- 10 of each entry made on such statements. The campaign treasurer of
- 11 each committee shall deposit contributions in the committee's
- 12 designated depository within [seven] fourteen days after receiving

13 them, provided, in the case of a contribution received by a solicitor, the 14 campaign treasurer shall so deposit the contribution within fourteen 15 days after the solicitor receives the contribution. The campaign 16 treasurer of each political committee or party committee which makes 17 a contribution of goods to another committee shall send written notice 18 to the campaign treasurer of the recipient committee before the close of 19 the reporting period during which the contribution was made. The 20 notice shall be signed by the campaign treasurer of the committee 21 making the contribution and shall include the full name of such 22 committee, the date on which the contribution was made, a complete 23 description of the contribution and the value of the contribution. Any 24 dispute concerning the information contained in such notice shall be 25 resolved by the campaign treasurer of the recipient committee. Such 26 resolution shall not impair in any way the authority of the State 27 Elections Enforcement Commission under section 9-7b, as amended by 28 this act. The campaign treasurer of the recipient committee shall 29 preserve each such notice received for the period prescribed by 30 subsection (f) of section 9-333i.

- Sec. 2. Section 9-7b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2003*):
- 33 (a) The State Elections Enforcement Commission shall have the 34 following duties and powers:
- 35 (1) To make investigations on its own initiative or with respect to 36 statements filed with the commission by the Secretary of the State or 37 any town clerk, or upon written complaint under oath by any 38 individual, with respect to alleged violations of any provision of the 39 general statutes relating to any election or referendum, any primary 40 held pursuant to section 9-423, 9-424, 9-425 or 9-464 or any primary 41 held pursuant to a special act, and to hold hearings when the 42 commission deems necessary to investigate violations of any 43 provisions of the general statutes relating to any such election, primary 44 or referendum, and for the purpose of such hearings the commission 45 may administer oaths, examine witnesses and receive oral and

documentary evidence, and shall have the power to subpoena witnesses under procedural rules the commission shall adopt, to compel their attendance and to require the production for examination of any books and papers which the commission deems relevant to any matter under investigation or in question. In connection with its investigation of any alleged violation of any provision of chapter 145, or of any provision of section 9-359 or section 9-359a, the commission shall also have the power to subpoena any municipal clerk and to require the production for examination of any absentee ballot, inner and outer envelope from which any such ballot has been removed, depository envelope containing any such ballot or inner or outer envelope as provided in sections 9-150a and 9-150b and any other record, form or document as provided in section 9-150b, in connection with the election, primary or referendum to which the investigation relates. In case of a refusal to comply with any subpoena issued pursuant to this subsection or to testify with respect to any matter upon which that person may be lawfully interrogated, the superior court for the judicial district of Hartford, on application of the commission, may issue an order requiring such person to comply with such subpoena and to testify; failure to obey any such order of the court may be punished by the court as a contempt thereof. In any matter under investigation which concerns the operation or inspection of or outcome recorded on any voting machine, the commission may issue an order to the municipal clerk to impound such machine until the investigation is completed;

(2) To levy a civil penalty not to exceed (A) two thousand dollars per offense against any person the commission finds to be in violation of any provision of chapter 145, part V of chapter 146, part I of chapter 147, chapter 148, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, or (B) two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission

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finds to be in violation of any provision of chapter 150. The commission may levy a civil penalty against any person under subparagraph (A) or (B) of this subdivision only after giving the person an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive. In the case of failure to pay any such penalty levied pursuant to this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford, on application of the commission, may issue an order requiring such person to pay the penalty imposed and such court costs, state marshal's fees and attorney's fees incurred by the commission as the court may determine. Any civil penalties paid, collected or recovered under subparagraph (B) of this subdivision for a violation of any provision of chapter 150 applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation;

- (3) (A) To issue an order requiring any person the commission finds to have received any contribution or payment which is prohibited by any of the provisions of chapter 150, after an opportunity to be heard at a hearing conducted in accordance with the provisions of sections 4-176e to 4-184, inclusive, to return such contribution or payment to the donor or payor, or to remit such contribution or payment to the state for deposit in the General Fund, whichever is deemed necessary to effectuate the purposes of chapter 150;
- (B) To issue an order when the commission finds that an intentional violation of any provision of chapter 150 has been committed, after an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, which order may contain one or more of the following sanctions: (i) Removal of a campaign treasurer, deputy campaign treasurer or solicitor; or (ii) prohibition on serving as a campaign treasurer, deputy campaign treasurer or solicitor, for a period not to exceed four years;
- 113 (C) To issue an order revoking any person's eligibility to be

appointed or serve as an election, primary or referendum official or unofficial checker or in any capacity at the polls on the day of an election, primary or referendum, when the commission finds such person has intentionally violated any provision of the general statutes relating to the conduct of an election, primary or referendum, after an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive;

- (4) To inspect or audit at any reasonable time and upon reasonable notice the accounts or records of any campaign treasurer or principal campaign treasurer, as required by chapter 150 and to audit any such election, primary or referendum held within the state; provided, [it] (A) (i) not later than two months preceding the day of an election at which a candidate is seeking election, the commission shall complete any audit it has initiated in the absence of a complaint that involves a committee of the same candidate from a previous election, and (ii) during the two-month period preceding the day of an election at which a candidate is seeking election, the commission shall not initiate an audit in the absence of a complaint that involves a committee of the same candidate from a previous election, and (B) the commission shall not audit any caucus, as defined in subdivision (1) of section 9-372;
- (5) To attempt to secure voluntary compliance, by informal methods of conference, conciliation and persuasion, with any provision of chapters 149 to 153, inclusive, or any other provision of the general statutes relating to any such election, primary or referendum;
- 138 (6) To consult with the Secretary of the State, the Chief State's 139 Attorney or the Attorney General on any matter which the commission 140 deems appropriate;
- 141 (7) To refer to the Chief State's Attorney evidence bearing upon 142 violation of any provision of chapters 149 to 153, inclusive, or any 143 other provision of the general statutes pertaining to or relating to any 144 such election, primary or referendum;
- 145 (8) To refer to the Attorney General evidence for injunctive relief

and any other ancillary equitable relief in the circumstances of subdivision (7) of this section. Nothing in this subdivision shall preclude a person who claims that he is aggrieved by a violation of any provision of chapter 152 or any other provision of the general statutes relating to referenda from pursuing injunctive and any other ancillary equitable relief directly from the Superior Court by the filing of a complaint;

- (9) To refer to the Attorney General evidence pertaining to any ruling which the commission finds to be in error made by election officials in connection with any election, primary or referendum. Those remedies and procedures available to parties claiming to be aggrieved under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall apply to any complaint brought by the Attorney General as a result of the provisions of this subdivision;
- 160 (10) To consult with the United States Department of Justice and the 161 United States Attorney for Connecticut on any investigation pertaining 162 to a violation of this section, section 9-12, subsection (a) of section 9-17 163 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-164 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 165 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and 166 attorney evidence bearing upon any such violation for prosecution 167 under the provisions of the National Voter Registration Act of 1993, 168 P.L. 103-31, as amended from time to time;
- (11) To inspect reports filed with the Secretary of the State and with town clerks pursuant to chapter 150 and refer to the Chief State's Attorney evidence bearing upon any violation of law therein if such violation was committed knowingly and wilfully;
 - (12) To intervene in any action brought pursuant to the provisions of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court in which such action is brought when in the opinion of the court it is necessary to preserve evidence of possible criminal violation of the election laws;

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(13) To adopt and publish regulations pursuant to chapter 54 to 179 carry out the provisions of section 9-7a, this section and chapter 150; to 180 issue upon request and publish advisory opinions in the Connecticut Law Journal upon the requirements of chapter 150, and to make 182 recommendations to the General Assembly concerning suggested 183 revisions of the election laws;

- (14) To the extent that the Elections Enforcement Commission is involved in the investigation of alleged or suspected criminal violations of any provision of the general statutes pertaining to or relating to any such election, primary or referendum and is engaged in such investigation for the purpose of presenting evidence to the Chief State's Attorney, the Elections Enforcement Commission shall be deemed a law enforcement agency for purposes of subdivision (3) of subsection (b) of section 1-210, provided nothing in this section shall be construed to exempt the Elections Enforcement Commission in any other respect from the requirements of the Freedom of Information Act, as defined in section 1-200;
- 195 (15) To enter into such contractual agreements as may be necessary 196 for the discharge of its duties, within the limits of its appropriated 197 funds and in accordance with established procedures; and
 - (16) To provide the Secretary of the State with notice and copies of all decisions rendered by the commission in contested cases, advisory opinions and declaratory judgments, at the time such decisions, judgments and opinions are made or issued.
 - (b) In the case of a refusal to comply with an order of the commission issued pursuant to subdivision (3) of subsection (a) of this section, the superior court for the judicial district of Hartford, on application of the commission, may issue a further order to comply. Failure to obey such further order may be punished by the court as a contempt thereof.
- 208 Sec. 3. Subsection (a) of section 9-333j of the general statutes is 209 repealed and the following is substituted in lieu thereof (Effective July

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(a) (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-333e, (A) on the [second Thursday] seventh calendar day in the months of January, April, July and October, provided, if such seventh calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. [, and] The statement shall cover a period to begin with the first day not included in the last filed statement. [except that the January statement, when filed by a party committee or a political committee organized for the purpose of ongoing political activities, shall cover all contributions made or received and all expenditures made as of midnight on December thirty-first of the preceding calendar year.] In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

(2) Each campaign treasurer of a candidate committee, [within forty-five days following any election and] within thirty days following any

primary, and each campaign treasurer of a political committee formed for a single primary, election or referendum, within forty-five days after any election or referendum not held in November, shall file statements in the same manner as is required of them under subdivision (1) of this subsection. If the campaign treasurer of a candidate committee established by a candidate, who is unsuccessful in the primary or has terminated his candidacy prior to the primary, distributes all surplus funds within thirty days following the scheduled primary and discloses the distribution on the postprimary statement, such campaign treasurer shall not be required to file any subsequent statement unless the committee has a deficit, in which case he shall file any required statements in accordance with the provisions of subdivision (3) of subsection (e) of this section.

- (3) In the case of state central committees, on each January thirtieth, April tenth and July tenth, and on the twelfth day preceding any election, the campaign treasurer of each such committee shall file with the proper authority, a statement, sworn under penalty of false statement, complete as of the last day of the month immediately preceding the month in which such statement is to be filed in the case of statements required to be filed in January, April and July, and complete as of the nineteenth day preceding an election, in the case of the statement required to be filed on the twelfth day preceding an election, and in each case covering a period to begin with the first day not included in the last filed statement.
- Sec. 4. Subdivision (1) of subsection (c) of section 9-333j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2003*):
 - (c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) an itemized accounting of each

expenditure, if any, including the full name and complete address of each payee, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (D) an itemized accounting of each expense incurred but not paid; (E) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the campaign treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (F) for each business entity or person purchasing advertising space in a program for a fund-raising affair, the name and address of the business entity [and the name of the chief executive officer of the business entity] or the name and address of the person, and the amount and aggregate amounts of such purchases; (G) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (H) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual, the name of the individual's employer, if any, and a statement indicating whether the individual or a business with which he is associated has a contract with the state which is valued at more than five thousand dollars; and (I) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect. Each campaign treasurer shall include in such statement an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-333k or any other fund-raising affair.

Sec. 5. Subsection (e) of section 9-333j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2003):

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(e) (1) Notwithstanding any provisions of this chapter to the contrary, in the event of a surplus the campaign treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee shall distribute or expend such surplus within ninety days after a primary which results in the defeat of the candidate, an election or referendum not held in November or by January thirty-first following an election or referendum held in November, in the following manner:

- (A) Such committees may distribute their surplus to a party committee, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, or distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided no candidate committee may distribute such surplus to a committee which has been established to finance future political campaigns of the candidate;
- (B) Each such political committee established by an organization which received its funds from the organization's treasury shall return its surplus to its sponsoring organization;
- (C) (i) Each political committee formed solely to aid or promote the success or defeat of any referendum question, which does not receive contributions from a business entity or an organization, shall distribute its surplus to a party committee, to a political committee organized for ongoing political activities, to a national committee of a political party, to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies or to any organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, (ii) each political committee formed solely to aid or promote

the success or defeat of any referendum question, which receives contributions from a business entity or an organization, shall distribute its surplus to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies, or to any organization which is tax-exempt under said provisions of the Internal Revenue Code;

- (D) The campaign treasurer of the candidate committee of a candidate who is elected to office may, upon the authorization of such candidate, expend surplus campaign funds to pay for the cost of clerical, secretarial or other office expenses necessarily incurred by such candidate in preparation for taking office; except such surplus shall not be distributed for the personal benefit of any individual or to any organization; and
- (E) The campaign treasurer of a candidate committee, or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall, prior to the dissolution of such committee, either (i) distribute any equipment purchased, including but not limited to computer equipment, to any recipient as set forth in subparagraph (A) of this subdivision or (ii) sell any equipment purchased, including but not limited to computer equipment, to any person for fair market value and then distribute the proceeds of such sale to any recipient as set forth in said subparagraph (A).
- (2) Notwithstanding any provisions of this chapter to the contrary, the campaign treasurer of the candidate committee of a candidate who has withdrawn from a primary or election may, prior to the primary or election, distribute its surplus to any organization which is tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, or return such surplus to all contributors to the committee on a prorated basis of contribution.
- (3) Within seven days after such distribution or within seven days after all funds have been expended in accordance with subparagraph

(D) of subdivision (1) of this subsection, the campaign treasurer shall file a supplemental statement, sworn under penalty of false statement, with the proper authority, identifying all further contributions received since the previous statement and explaining how any surplus has been distributed or expended in accordance with this section. No surplus may be distributed or expended until after the election, primary or referendum.

(4) In the event of a deficit the campaign treasurer shall file a supplemental statement ninety days after [the] an election, primary or referendum not held in November or on the seventh calendar day in February, or the next business day if such day is a Saturday, Sunday or legal holiday, after an election or referendum held in November, with the proper authority and, thereafter, on the seventh day of each month following if on the last day of the previous month there was an increase or decrease in the deficit in excess of five hundred dollars from that reported on the last statement filed. The campaign treasurer shall file such supplemental statements as required until the deficit is eliminated. If any such committee does not have a surplus or a deficit, the statement required to be filed within forty-five days following any election or referendum not held in November or on the seventh calendar day in January, or the next business day if such day is a Saturday, Sunday or legal holiday, following an election or referendum held in November, or within thirty days following any primary shall be the last required statement.

This act shall take effect as follows:			
Section 1	July 1, 2003		
Sec. 2	July 1, 2003		
Sec. 3	July 1, 2003		
Sec. 4	July 1, 2003		
Sec. 5	July 1, 2003		

GAE Joint Favorable Subst.

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The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Elect. Enforcement Com.	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill establishes calendar dates for filing certain campaign finance statements and restricts the period the State Elections Enforcement Commission (SEEC) can audit a candidate's campaign committee. This bill has no fiscal impact on the SEEC.

OLR Bill Analysis

sHB 6661

AN ACT CONCERNING CAMPAIGN FINANCE REPORTING REQUIREMENTS

SUMMARY:

This bill:

- 1. establishes clearer deadlines with a date certain for filing some campaign finance statements and distributing a committee surplus,
- 2. gives campaign committee treasurers more time to deposit contributions,
- 3. restricts the period during which the State Elections Enforcement Commission (SEEC) can audit a candidate's campaign committee, and
- 4. eliminates the requirement that campaign finance statements include the name of the chief executive officer for each business that purchases advertising space in a fund-raising affair program.

EFFECTIVE DATE: July 1, 2003

DEADLINES

The bill sets calendar dates, rather than floating days, for filing campaign finance statements. If a reporting deadline under the bill falls on a Saturday, Sunday, or holiday, the statement is due on the following business day. It eliminates for candidate committees the report due 45 days after an election, but specifies that the January 7 report, due approximately three weeks later, replaces it. It sets a date certain (January 7) as the deadline for distributing a committee surplus after a November election, which currently must be done by 90 days after the election.

Table 1: Campaign Finance Deadlines

Requirement	Current Law	The Bill
Statement filing for	2 nd Thursday in	
committees other than	January	January 7
state party committees	April	April 7
	July	July 7
	October	October 7
	(Between 8 th and	
	14 th of the month)	
Reporting period ends	Seven days before	December 31
for above statements	the filing date	March 31
	(Between 1st and 7th	June 30
	of the month)	September 30
Statement filing for	45 days after	January 7
candidate or	election or	
referendum committee	referendum	
for election held in	(December 17-23,	
November	depending on	
	election day date)	
Distribution of	90 days after	January 31
committee surplus for	election (January 31-	
candidate or	February 6)	
referendum		
committees and certain		
political committees for		
election held in		
November		
Supplemental	90 days after	February 7
statement filing for	election (January 31-	
deficit for candidate or	February 6)	
referendum		
committees and certain		
political committees for		
election held in		
November		

CONTRIBUTION DEPOSITS

The bill requires campaign treasurers to deposit a contribution within 14, rather than seven, days of receiving it and within 14 days after a solicitor receives it. By law, solicitors must turn over contributions to the treasurer within 10 days of receiving them. The bill's requirement that the treasurer deposit such a contribution within 14 days of the

solicitor's receipt could require deposit four days after the treasurer receives it.

SEEC AUDITS

By law, SEEC is responsible for inspecting or auditing campaign accounts and records. The bill bars the commission from initiating an audit within the two-month period before an election when the candidate is running for office and requires that the commission complete any audit it has started for such a candidate by the same time, unless a complaint has been filed.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute Yea 19 Nay 0